

# Public Document Pack

## SOUTHEND-ON-SEA BOROUGH COUNCIL

### Meeting of Development Control Committee

**Date: Wednesday, 6th January, 2021**

**Place: Virtual Meeting via MS Teams**

**Present:** Councillor N Ward (Chair)  
Councillors M Borton (Vice-Chair), L Burton\*, B Ayling, J Beck,  
A Chalk, D Cowan, A Dear, M Dent, F Evans, D Garston,  
S Habermel, A Jones, C Mulroney, A Thompson, S Wakefield and  
C Walker  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** Councillor K Buck  
G Gilbert, K Waters, C Galforg, P Keyes, C White, M Warren, T Row,  
E Cook and A Smyth

**Start/End Time:** 5.00 pm - 7.10 pm

#### **698 Apologies for Absence**

Apologies for absence were received from Councillor Anne Jones (substitute: Councillor Burton)

#### **699 Declarations of Interest**

The following interests were declared at the meeting:

(a) Councillors Ayling and Cowan – Minute Nos. 703 and 704 (Application Ref Nos. 20/01467/FUL and 20/01518/AMDT – Scout Hall, 52 High Street, Leigh on Sea) – Non-pecuniary interest: Member of the Licensing Sub Committee which determined the application for premises licence at this property;

(b) Councillor D Garston – Minute No. 707 (Application Ref No. 19/01687/FUL – Camelia Hotel, 176-178 Eastern Esplanade, Southend on Sea) – Non-pecuniary interest: Regular customer at the restaurant;

(c) Councillor Mulroney – Minute Nos. 703 and 704 (Application Ref Nos. 20/01467/FUL and 20/01518/AMDT – Scout Hall, 52 High Street, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council, non-participant in planning and attended the meeting of the Licensing Sub Committee, which determined the application for premises licence at this property, on behalf of residents; and

(d) Councillor Ward – Minute No. 707 (Application Ref No. 19/01687/FUL – Camelia Hotel, 176-178 Eastern Esplanade, Southend on Sea) – Pecuniary interest: Lives close to the application site and is an owner of a Guest House (withdrew).

**700 Minutes of the Meeting held on Wednesday, 4th November 2020**

Resolved:-

That the Minutes of the Meeting held on Wednesday, 4<sup>th</sup> November 2020 be received, confirmed as a correct record and signed.

**701 Supplementary Report**

The Committee received and noted a supplementary report by the Deputy Chief Executive and Executive Director (Growth and Housing) that provided additional information on the items referred to elsewhere on the Agenda. The report also presented the Community Infrastructure Levy (CIL) rates which had been updated as of 1<sup>st</sup> January 2021.

**702 20/01612/OUT - 6 Crosby Road and 121-123 Crowstone Road, Westcliff-on-Sea (Chalkwell Ward)**

**Proposal: Erect five 2.5 storey dwellinghouses, layout parking to front and extend existing vehicular crossover onto Crowstone Road (Outline)**

**Applicant: C/o SKArchitects**

**Agent: Steven Kearney of SKArchitects**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 Details of the landscaping (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

02 The development hereby permitted shall be carried out only in accordance with the following approved plans 617P101 Rev. A, 617P104 Rev. B, 617P105 Rev. A, 617P102, 617P103 Rev. A.

Reason: To ensure that the development is carried out in accordance with the Development Plan.

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until full product details of the materials to be used on all the external elevations, including walls, roof, windows and doors and rainwater goods have been submitted to and approved in writing by the local planning authority. The development shall only be carried out and completed in accordance with the approved details before it is brought into use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2019) Core Strategy (2007) policy KP2 and CP4,

Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009)

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to: -

- (i) Proposed finished site levels or contours;
- (ii) Means of enclosure, of the site including any gates or boundary fencing;
- (iii) Hard surfacing materials;
- (iv) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.
- (v) Details of measures to enhance biodiversity within the site.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007).

05 All flank windows above ground floor (with the exception of the flank windows on the northern elevation of the detached dwelling proposed (plot B)) shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or equivalent) and be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room that the window serves. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in line with these details in perpetuity.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

06 The use of the new dwellings hereby approved shall not commence unless and until the two parking spaces per dwelling (10 in total) as shown on the approved plan 617P101 Rev. A have been provided and made available for use on site. The parking spaces shall be retained in perpetuity for the purposes of car parking solely for residents of the approved new dwellings on site and their visitors.

Reason: To ensure the provision of adequate parking in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

07 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and excavation works shall take place unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The drainage and surface water management strategy shall be implemented in full

accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

08 Construction works for the approved development on site shall only be undertaken between 8am to 6pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

09 Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

10 The new dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

11 Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall be constructed to ensure that all new residential units comply with building regulation M4(2) "accessible and adoptable dwellings" prior to their first occupation.

Reason: To ensure the development hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

12 Prior to the first occupation of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking and refuse and recycling storage facilities. The approved refuse and recycling and cycle parking facilities shall be provided in full and made available for use prior to the first occupation of the dwellings hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking and refuse stores in accordance with Policies DM3, DM8 and DM15 of Development Management Document.

13 A. Site Characterisation No development other than site preparation works shall take place until and unless an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property, existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;

B. Submission of Remediation Scheme No development other than site preparations works shall take place until and unless a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

E1). Long Term Monitoring and Maintenance E1)No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority.

E2) Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core

Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

14 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall be undertaken unless and until a noise assessment that includes an assessment of railway noise and full details of any necessary acoustic mitigation to be provided within the development, including all glazing and ventilation have been submitted to and approved in writing by the local planning authority. The development must be completed in accordance with the approved details prior to the first occupation of the development and thereafter retained as such in perpetuity.

Reason: To safeguard the residential amenity of the future occupiers from noise generated by the nearby railway in accordance with policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

15 No development shall be undertaken unless and until full details of the tree protection measures to be provided to any off-site trees that are adjacent to the site or which could be affected by their proximity to the proposed development have been submitted to and approved in writing by the local planning authority. The development shall only be undertaken in accordance with the approved tree protection measures.

Reason: This pre-commencement condition is required in the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy 92007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

16 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including measures to ensure the retention of trees to the rear of the site
- (v) measures to control the emission of noise, dust and dirt during construction
- (vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.

Reason: This pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no development shall be carried out at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2019), Core Strategy

(2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the resumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers

## INFORMATIVES

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact:

S106andCILAdministration@southend.gov.uk

to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

03 The applicant is advised that they will be required to apply to highways to amend and install the vehicle crossovers and that they may also be required to relocate any street furniture such as lamp columns.

04 The applicant is encouraged to provide active and passive electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.

**703 20/01467/FUL - Scout Hall, 52 High Street, Leigh-on-Sea (Leigh Ward)**  
**Proposal: Erect single storey rear and side extension, lean to porch to west elevation, install metal canopy to front with corrugated metal roof, metal balustrading to front and side elevations and alter elevations**  
**Applicant: Mr J Batson**  
**Agent: Mr Colin Stone of Stone Me Ltd**

Mrs Sporton, a local resident, spoke as an objector to the application. Mr Stone, the applicant's agent, responded.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years of the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

02 The development hereby permitted shall be carried out only in accordance with the following approved plans 1920-02G, 1920-04D, 1920-05C 1920-07a

Reason: To ensure that the development is carried out in accordance with the Development Plan.

03 The materials for the development hereby approved shall only be black painted metal framing and black painted corrugated metal sheeting (13/3 0.7 thick galvanized corrugated roofing sheets by Cladco Roofing) for the canopies, stained matt black timber featheredged weatherboarding for the walls, flat roof with matt black painted timber fascia for the new extension, black painted acoya timber with 6mm laminated safety glass to British Standard BS6206 for the windows and doors, black painted wrought iron for the terrace balustrade, black quarry tiles for the terrace flooring, red stock brick slips, lead capping and traditional clay pots for the flue chimney, no change to the existing roof covering or guttering, black painted timber gates to waste storage area and cycle storage areas.

Reason: To safeguard character and appearance of the historic building and the surrounding Leigh Old Town and Leigh Conservation Areas in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

04 Prior to the first occupation of the development hereby approved, the canopies, windows and doors shall be installed in full accordance with the details set out on plan references 1920-05C and 1920-07a. The terrace balustrading shall be black painted 16mm bars with finial style F (W Farthing & Sons) and flat top posts as set out in email from agent dated 9.12.20. The development shall only be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.

Reason: A condition is needed to safeguard character and appearance of the historic building and the surrounding Leigh Old Town Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

05 Notwithstanding the provisions of the Town and Country Planning Act (1990) (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that legislation with or without modification, no external lighting or outside heaters shall be installed on the building or canopies other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the development is occupied or



brought into use. No additional external lighting shall be installed on the building or within the site without the prior written consent of the Local Planning Authority.

Reason: In the interest of the visual amenities and character of the conservation area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM5 of the Development Management Document (2015).

06 The entire raised terrace area shall not be used by customers for the consumption of food or drink or for smoking from 22:00 hours until the close of business on all days. Additionally, all doors accessing the terrace shall be closed, except temporarily for access and egress, from 22:00 to 09:00.

Reason: In order to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

07 The class A3 (restaurant) use shall not be open to customers outside the following times: 09:00 until 24:00 hours on Monday to Sundays including Bank Holidays from May through to and including September and 12:00 until 24:00 hours Mondays to Sundays including bank holidays from October through to and including April. The ancillary takeaway element of this operation shall not be available to customers outside the following times: 09:00 until 21:00 hours on Monday to Sundays including Bank Holidays from May through to and including September and 12:00 until 21:00 hours Mondays to Sundays including bank holidays from October through to and including April.

Reason: In order to protect the amenities of occupiers of surrounding occupiers and so the development accords with the planning permission and ancillary takeaway element sought in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

08 Construction Hours for the development hereby permitted shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

09 A privacy screen of not less than 1.7m high above terrace level shall be fitted to the eastern end of the raised terrace area in accordance with details that have previously been submitted to and approved in writing by the local planning authority prior to first occupation of the development. The screen shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To protect the privacy and environment of people in new and neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

## INFORMATIVES

01 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

03 The applicant is advised that the conditions relating to the change of use to a restaurant on planning permission 17/02280/FUL, or any amendment to this application, still apply. This includes ensuring that the unauthorised galvanised metal cowl and galvanised metal grille that have been installed on the rear roofslope, which do not accord with the previously approved details, are removed. Failure to do this within a timely manner is likely to result in enforcement action.

04 The ancillary takeaway element of the restaurant hereby approved and referred to in condition 07 above must remain ancillary to the main restaurant use. Any change to this arrangement may require planning permission from the Council.

05 The privacy screen required for the eastern end of the front terrace must be sensitive to the character of the conservation area including design detailing and materials.

- 704 20/01518/AMDT - Scout Hall, 52 High Street, Leigh-on-Sea (Leigh Ward)**  
**Proposal: Application to vary conditions 02 (approved plans), 04 (details of new doors, new dormer windows and terrace balustrading/railings) and 13 (operate as restaurant only) - amendments to fenestration and to provide takeaway facilities - (Minor Material Amendment to Planning Permission 17/02280/FUL dated 25.01.2019)**  
**Applicant: Mr J Batson**  
**Agent: Mr Colin Stone of Stone Me Ltd.**

Mrs Sporton, a local resident, spoke as an objector to the application. Mr Stone, the applicant's agent responded.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than 4th April 2021.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

02 The development hereby permitted shall be carried out in accordance with the following approved plans 1920-06a, 1920-03c, 1920-05c

Reason: To ensure that the development is carried out in accordance with the Development Plan.

03 The materials for the development hereby approved shall only be matt black stained timber featheredged weatherboarding for the walls and dormer cheeks, black painted acoya timber with 6mm laminated safety glass to BS6206 for the windows and doors, black painted wrought iron for the terrace balustrade, black quarry tiles for the terrace flooring, red stock brick slips, lead capping and traditional clay pots for the flue chimney, no change to the existing roof covering or guttering, black painted timber gates to waste storage area and cycle storage areas.

Reason: To safeguard character and appearance of the historic building and the surrounding Leigh Old Town Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

04 Prior to the first occupation of the building for A3 purposes, the windows and doors shall be installed in full accordance with the details set out on plan reference 1920-05C and the terrace balustrading shall be black painted 16mm bars with finial style F (W Farthing & Sons) and flat top posts as previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 04) or alternative refuse and recycling details that have previously been submitted to the local planning authority and approved in writing under the terms of this condition. The development shall be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.

Reason: A condition is needed to safeguard character and appearance of the historic building and the surrounding Leigh Old Town Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

05 Prior to the first occupation of the building for A3 purposes, the refuse and recycling arrangements shall be implemented in full accordance with the details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 05) or alternative refuse and recycling details that have previously been submitted to the local planning authority and approved in writing under the terms of this condition.

The details submitted for approval under this condition shall in addition include a waste management strategy for the depositing, collection and disposal of waste generated in relation to the take away element of the approved use. The development shall be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity..

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding conservation area, in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM5 and DM15 of the Development Management Document (2015).

06 Prior to the first occupation of the building for A3 purposes the staff cycle parking arrangements shall be implemented in full accordance with the details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 06) or alternative staff cycling storage details that have previously been submitted to the local planning authority and approved in writing under the terms of this condition. The development shall be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking in accordance with policies DM8 and DM15 of The Development Management Document (2015).

07 Prior to the first occupation of the building for A3 purposes the chimney extraction flue shall be installed in full accordance with the details which have been previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 07) or alternative chimney and extraction flue details that have previously been submitted to the local planning authority and approved in writing under the terms of this condition. The development shall only be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.

Reason: A condition is needed in order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the conservation area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document 2015.

08 Prior to the first occupation of the building for A3 purposes, extraction and odour control equipment, and associated noise mitigation measures, shall be installed in full accordance with the details which have been previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01760/AD (condition 08) or alternative extraction and odour control details and associated noise mitigation that have previously been submitted to the local planning authority and approved in writing under the terms of this condition. The installation of extraction equipment shall be carried out in full accordance with the approved details and any noise and odour mitigation measures undertaken in association with the agreed details before the use hereby approved is commenced. With reference to BS4142 the noise rating level arising

from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character. The rating level of noise for all activities (including amplified and unamplified music and human voices) shall be at least 10dB(A) below the background noise to ensure inaudibility in noise sensitive premises.

Reason: In order to protect the amenities of the surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

09 The class A3 (restaurant) use shall not be open to customers outside the following times: 09:00 until 24:00 hours on Monday to Sundays including Bank Holidays from May through to and including September and 12:00 until 24:00 hours Mondays to Sundays including bank holidays from October through to and including April. The ancillary takeaway element of this operation shall not be available to customers outside the following times: 09:00 until 21:00 hours on Monday to Sundays including Bank Holidays from May through to and including September and 12:00 until 21:00 hours Mondays to Sundays including bank holidays from October through to and including April.

Reason: In order to protect the amenities of occupiers of surrounding occupiers and so the development accords with the planning permission and ancillary takeaway element sought in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

10 The entire raised terrace area shall not be used by customers for the consumption of food or drink or for smoking from 22:00 hours until the close of business on all days. Additionally, all doors accessing the terrace shall be closed, except temporarily for access and egress, from 22:00 to 09:00 on all days.

Reason: In order to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

11 No deliveries or refuse collection shall be taken at or despatched from the A3 use hereby permitted other than between the hours of 07:00 to 18:00hours Mondays to Fridays and 08:00 to 13:00hours on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

12 Construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy

(2007) and Policies DM1 and DM3 of the Development Management Document (2015).

13 No tables, chairs, other furniture or permanent or temporary means of enclosure shall at any time be placed on the area at ground floor (public footway) level to the front of the premises.

Reason: In order to protect amenity and for the safe and efficient use of the adjacent public highway including the safe and convenient movement of pedestrians in accordance with policies KP2 and CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

14 A privacy screen of not less than 1.7m high above terrace level shall be fitted to the eastern end of the raised terrace area in accordance with details that have previously been submitted to and approved in writing by the local planning authority prior to first occupation of the development. The screen shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To protect the privacy and environment of people in new and neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

## INFORMATIVES

01 You are advised that as the proposed development equates to less than 100 sqm of additional floorspace so the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

02 The applicant is advised that the galvanised metal cowl and galvanised metal grille that have been installed on the rear roofslope do not accord with the previously approved details or the current application and are therefore unauthorised. The cowl needs to be removed and the grille needs to be painted black. Failure to do this within a timely manner is likely to result in enforcement action.

03 The applicant is advised that according to this Department's record, asbestos containing materials may be present within the structure of walls at 52 High Street, Leigh-on-Sea, Essex. An asbestos survey at this address should therefore be carried out by a suitably qualified person before any structural work being carried out at the premises. Any asbestos containing material (ACM) must be removed and disposed off site to a facility licenced by the Environment Agency. A waste

transfer certificate should be made available for inspection by authorised officer from this Authority on request.

04 The applicant is advised that compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. Contact 01702 215005 for more information.

05 The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2014 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG The applicant is advised that any waste food collection must be undertaken by a licenced operator

06 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

07 The ancillary takeaway element of the restaurant hereby approved and referred to in condition 09 above must remain ancillary to the main restaurant use. Any change to this arrangement may require planning permission from the Council.

08 The privacy screen required for the eastern end of the front terrace must be sensitive to the character of the conservation area including design detailing and materials.

**705 20/01511/FUL - 266 Westborough Road, Westcliff-on-Sea (Westborough Ward)**

**Proposal: Erect linked single storey rear extension**

**Applicant: Saunders**

**Agent: Mr Wilton Nodoro of Krystal Architecture Ltd**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 620-200/1, 620-201/3, 620-202/4, 620-204/3.

Reason: To ensure the development is carried out in accordance with the development plan.

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and the Design and Townscape Guide (2009).

04 The development hereby approved shall not at any time be adapted to enable formation of more than six (6) bedrooms and shall not be occupied by more than six (6) people at any one time.

Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

## INFORMATIVES

1 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal: ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.

2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them.

This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.



**706 20/01520/FUL - 266 Westborough Road, Westcliff-on-Sea (Westborough Ward)**

**Proposal: Convert existing 6 Bed HMO (Class C4) and existing ancillary building at the rear to a 7 Bed HMO (Sui Generis) and erect single storey linked rear extension**

**Applicant: Mr Saunders**

**Agent: Mr Wilton Ndoro of Krystal Architecture Ltd**

Mr Noblett, a local resident, submitted a written statement in objection to the application which was read out at the meeting. A written response, that had been submitted by the applicant's agent, was also read out at the meeting.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 620-200/1, 620-201/3, 620-203/2, 620/204/3.

Reason: To ensure the development is carried out in accordance with the development plan.

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and the Design and Townscape Guide (2009).

04 Prior to the occupation of the development hereby granted, at least seven secured and covered cycle parking spaces shall be provided on site in accordance with the details shown on drawing no. 620-203/2 and shall be made available for use for the benefit of the current and future occupiers of the approved development and shall be retained in perpetuity for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

05 Prior to the occupation of the development hereby granted, secure bin storage shall be provided on site in accordance with the details shown on drawing no. 620-203/2 and shall be made available for use for the benefit of the current and future occupiers of the approved development and shall be retained in perpetuity for the lifetime of the development.

Reason: To ensure the provision of adequate bin storage and to ensure the development does not result in material harm to the character and appearance of the area and in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3, Development Management Document (2015) Policies DM1, DM3 and, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

06 The development hereby approved shall not at any time be adapted to enable formation of more than seven (7) bedrooms and shall not be occupied by more than seven (7) people at any one time.

Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.

07 The bedrooms within the building shall not at any time contain cooking facilities.

Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

## INFORMATIVES

1 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.

2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party

responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

COUNCILLOR BORTON (VICE CHAIR) IN THE CHAIR

- 707     **19/01687/FUL - Camelia Hotel, 176-178 Eastern Esplanade, Southend-on-Sea (Thorpe Ward)**  
**Proposal: Demolish existing garage block to rear, erect two storey building with basement comprising of two additional hotel apartments, storage and bike store, lay out parking spaces to rear**  
**Applicant: C/o Agent**  
**Agent: ABG Architecture**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01. The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02. The development shall be carried out in accordance with the approved plans: 101P01, 101P02, 101P03, 101P04, 101P05.

Reason: To ensure the development is carried out in accordance with the development plan.

03. The development shall be carried out only using external materials as identified on the approved plan 101P05, or otherwise in accordance with details to have been previously submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity further to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM6 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

04. Prior to the first use of the hotel apartments hereby approved, 4 off-street car parking spaces shall be provided at the site as shown on Drawing No. 101P05. The approved parking spaces shall thereafter be retained in perpetuity only for parking by the staff and customers of the hotel.

Reason: To ensure the adequate provision of parking at the site in accordance with Policy DM15 of the Development Management Document (2015).

05. The hard landscaping works identified on the approved plan 101P05 shall be completed prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with

trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping and drainage is implemented pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM6 of the Development Management Document (2015).

06. Prior to the first use of the hotel apartments hereby approved, the cycle and refuse and recycling storage facilities shown on the submitted plans shall be provided in full and made available for use, and shall be retained as such for the lifetime of the development thereafter.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with Policies DM3, DM8 and DM15 of Development Management Document.

07. The first floor west facing windows in the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level before the development is brought into first use and shall be retained as such in perpetuity thereafter. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

08. Hours of demolition and construction works associated with the development hereby approved shall be 8am - 6pm Monday to Friday, 8am - 1pm Saturday only and no works shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

09. Notwithstanding the provisions of Class T of Part 3, Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory amendment, modification or re-enactment or replacement thereof (as the case may be) for the time being in force), the apartments hereby approved shall be retained for hotel use only (use class C1) and shall remain ancillary to the hotel at the application site in perpetuity.

Reason: To ensure the consent accords with the permission sought and because the flood refuge for the development is associated with the established hotel. This is in the interests of flood risk mitigation for the safety of occupants further to the National Planning Policy Framework and Policies KP1, KP2 and KP3 of the Core Strategy (2007).

10. The development permitted by this planning permission shall be carried out and operated in accordance with the mitigation measures identified in the Flood Risk Assessment (FRA) prepared by UK Flood Risk Consultants, referenced QFRA 1563/814 v1.1 dated 27/01/2020. The mitigation measures shall be fully implemented prior to first use of the development and the site shall be operated in accordance with the approved measures thereafter. Additional refuge shall be available at all times to occupiers, at the second floors of the established hotel buildings.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with National Planning Policy Framework and Policies KP1, KP2 and KP3 of the Core Strategy (2007).

11. Prior to first occupation of the development hereby approved, details of boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details before it is brought into use.

Reason: In the interests of visual amenity further to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

12. No drainage infrastructure associated with this consent shall be undertaken at this site unless and until full details of the drainage infrastructure and a drainage strategy have been submitted to and approved in writing by the local planning authority. The strategy submitted shall apply the sustainable drainage principles and the sustainable drainage hierarchy. Where more sustainable methods of drainage are discounted clear evidence and reasoning for this shall be included within the strategy submitted. The approved drainage infrastructure and strategy shall be implemented in full accordance with the approved scheme prior to the first occupation of the development hereby approved and be retained as such thereafter.

Reason: To ensure satisfactory drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

13 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include but not be limited to details of :

- i. the access by and parking of vehicles of site operatives and visitors;
- ii. access and locations for loading and unloading of plant and materials.

Reason: To minimise the impacts of the development during construction including on access to and from the public car park, in the interests of the free flow of traffic and parking availability, further to the National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

## INFORMATIVES

01. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

03. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.

04. Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings shall be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials.

05. It is recommended that the Council's building control department is notified of the demolition in order that requirements can be made under the Building Act 1984.

06. The additional SuDS and drainage information that will need to be submitted as part of condition 12 includes:

1. If permeable pavement or pervious surfaces are proposed, construction details, ancillary drainage elements (if applicable) and consideration of deterioration of groundwater quality and ground stability is required.
2. If partial or total infiltration measures are not proposed, the applicant should provide evidence of ground investigations or records to justify the expected ground conditions. It should be noted that source control options, like permeable pavement, can be used in areas of low infiltration.
3. The applicant should provide a detailed drainage plan including positively drained areas (permeable and impermeable), proposed SuDS (rainwater harvesting, permeable pavement, etc) and drainage systems, points of connection, discharge restrictions/flow controls and failure/exceedance overland flow routes.
4. The applicant should provide information showing final discharge points and rates where relevant up to 1 in 100 year storm (including climate change) and evidenced with calculations and approval from the appropriate body where necessary. The applicant should provide information on how the proposed drainage design satisfies SuDS in terms of water quality, attenuation and discharge quantity for the lifetime of the development.
5. The applicant should provide details of the body that will be responsible for the maintenance of proposed SuDS/drainage throughout the lifetime of the development. The applicant should also provide a management statement to outline the required maintenance for the site and a maintenance schedule.
6. The applicant should provide a foul drainage strategy with detailed plans.
7. The proposals do not address other items in the Detailed Drainage Design Checklist from Essex County Council. However, these may not be relevant due to the size and nature of the development:
  - a. No information has been provided in relation to the management of Health and Safety Risks arising from the proposals.
  - b. No information has been provided the long-term economic viability of the proposals.
  - c. No information or method statement has been provided for the management of surface water during the construction phase.
07. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
  - a. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - b. No dust emissions should leave the boundary of the site
  - c. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - d. Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

COUNCILLOR WARD IN THE CHAIR

**708 20/01619/FUL - 6 Lavender Grove, Westcliff-on-Sea (Prittlewell Ward)**  
**Proposal: Demolish existing bungalow, erect two residential buildings comprising no7 self-contained flats with associated amenity space, parking, bin and cycle store**  
**Applicant: Mr David Bromage of Architectural Properties Dev Ltd**  
**Agent: N/A**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than 3 (three) years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development hereby permitted shall be carried out in accordance with the approved plans: 10A, 15, 16, 17 & 18.

Reason: To ensure that the development is carried out in accordance with provisions of the Development Plan.

03 Prior to the occupation of the development hereby approved car parking spaces shall be provided and made available for use in accordance with the details shown on approved plan 5606 15 and shall be permanently retained as such thereafter. The car parking spaces shall be kept available solely for the parking of motor vehicles of occupiers of the dwellings hereby approved and their visitors.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed building at the site including for elevations, brickwork, render, glazing, doors, windows and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

The development hereby permitted shall be implemented in full accordance with the details and samples approved under this condition before it is occupied.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the guidance contained within the Design and Townscape Guide (2009).



05 Prior to the first occupation of the development hereby approved full details of refuse and secure bicycle storage facilities for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, refuse and bicycle storage facilities shall be provided at the site in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2018), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

06 Prior to the first occupation of the dwellings hereby approved, full details of both hard and soft landscape work to be carried out at the site must be submitted to and approved in writing by the Local Planning Authority. The hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to: -

- i. means of enclosure, of the site including any gates or boundary fencing;
- ii. car parking layouts;
- iii. other vehicle and pedestrian access and circulation areas;
- iv. hard surfacing materials;
- v. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- vi. details of measures to enhance biodiversity within the site;

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development shall be carried out in a manner to ensure that the dwellings labelled 1, 4, 5, 6 & 7 on plan number 5606 015 comply with the building regulation M4 (2) 'Accessible and Adaptable Dwellings' standard before they are occupied.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

08 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development shall be carried out in a manner to ensure that the dwellings labelled A2 & A3 on plan number 5606 015 comply with the building regulation M4 (3) 'Wheelchair User Dwellings' standard before they are occupied.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

09 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007).

10 Water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems shall be installed and made available for use prior to the first occupation of the development hereby approved and retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the guidance within the Design and Townscape Guide (2009).

11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of noise, dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with National Planning Policy Framework, Core Strategy (2007) policies KP2 and CP4; and Development Management Document (2015) policies DM1 & DM3

12 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby granted consent shall be occupied

unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed dwellings that are to be permanently glazed with obscured glass (to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent) and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework, Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and advice contained in The Design and Townscape Guide (2009).

13 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

## INFORMATIVES

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

3. The applicant is encouraged to provide active and passive electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.

**Chair:** \_\_\_\_\_